



INTERIOR BOARD OF INDIAN APPEALS

Rosebud Indian Land and Grazing Association
v. Acting Great Plains Regional Director, Bureau of Indian Affairs

39 IBIA 218 (01/02/2004)

Vacated and appeal reinstated:
39 IBIA 247



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ROSEBUD INDIAN LAND AND	:	Order Dismissing Appeal
GRAZING ASSOCIATION,	:	
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 04-11-A
ACTING GREAT PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	January 2, 2004

Appellant Rosebud Indian Land and Grazing Association sought review of a September 16, 2003, letter issued by the Acting Great Plains Regional Director, Bureau of Indian Affairs, concerning an increase in the rental rate for grazing land on the Rosebud Sioux Reservation. For the reason discussed below, the Board of Indian Appeals docketed that appeal but dismisses it for failure to prosecute.

Under normal circumstances, an appellant before the Board must serve a copy of its notice of appeal and all subsequent filings with each interested party. 43 C.F.R. § 4.310(b). However, this appeal affects the interests of a very large number of landowners and grazing permittees on the Rosebud Reservation. In order to ensure that all interested parties received notice of the appeal, the Board excused Appellant from the requirement of serving each interested party individually, but ordered it to provide constructive notice in accordance with analogous procedures established under 25 C.F.R. §§ 166.803(b), 166.808(b), and 166.809(b). Specifically, the Board required Appellant to post notice of the filing of its notice of appeal in the tribal community building and the United States Post Office, and to publish notice of the filing in the local newspaper(s) that serves the Rosebud Reservation. Oct. 31, 2003, Pre-Docketing Notice and Order Concerning Service. Appellant was to comply with this order on or before November 14, 2003.

The Board did not receive notification from Appellant that it had posted and published notice of the filing of its notice of appeal. Consequently, on December 1, 2003, the Board further instructed Appellant to provide proof that it had complied with the October 31, 2003, order. Appellant's proof was to be filed on or before December 19, 2003. The Board specifically informed Appellant that failure to respond to the December 1, 2003, order would result in the dismissal of its appeal for failure to prosecute.

The Board has not received a response from Appellant.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but dismissed for failure to prosecute.

//original signed

Kathryn A. Lynn
Administrative Judge

//original signed

Kathleen R. Supernaw
Acting Administrative Judge